

ASSESSMENT OF GOALS

In its 1999 evaluation, *Continuing Challenges and Growing Opportunities*, SPO made a number of recommendations to further the goals of the Planning and Land Use Regulation Act. The following is a goal-by-goal assessment of the activities undertaken in the past four years to accomplish those recommendations or otherwise advance the goals.

While SPO administers the Smart Growth Initiative, it by no means is responsible for all of the accomplishments contained herein. We hope that we have set the stage, communicated the principles, and helped foster activities across state and local government to accomplish the Legislature's goals. But it is only with the commitment of the Legislature, other state agencies, and communities across the State that we can document such success.

While this is a goal-by-goal assessment, it is important to not lose sight of the Program's overall approach that cuts across all 10 goals and supports multiple goals simultaneously.³⁶ We've tried to present the 2003 recommendations within the framework of the 5-point strategy, so some recommendations may appear under more than one goal. Wherever possible, cross-references among recommendations are provided. However, some of the redundancy is intentional to aid an individual who is interested in a particular goal and who might not find recommendation that is located in another related area or in a section that summarizes an effort that crosses several goals.

Nevertheless, we recognize that the list of recommendations is extensive. It is unlikely that all

³⁶ 1) Get the State's house in order

- ◆ Using state capital investment to support Smart Growth
- ◆ Identifying and removing hidden subsidies of sprawl in state funding formulas
- ◆ Enhancing regulations so they don't push development outward

2) Aid rural areas by bolstering traditional natural-resource-based industries

- ◆ Regarding them as businesses and assisting them accordingly
- ◆ Buying or leasing development rights
- ◆ Strengthening the right-to-farm law
- ◆ Taxing them at current use and reimbursing towns for lost revenue
- ◆ Supporting research and development for greater value added

3) Strengthen service centers

- ◆ Supporting the "Downtown" initiative
- ◆ Expanding home ownership in centers
- ◆ Shifting a fair share of costs of providing regional services to the region
- ◆ Allowing flexible taxation to spur development

4) Provide relief to suburbanizing communities

- ◆ Emboldening local comprehensive plans to protect rural areas and direct development to growth areas
- ◆ Encouraging adoption of strategies that require new arrivals to pay a fairer share of costs
- ◆ Encouraging communities to use their local authority to direct growth in less expensive ways

5) Support development of traditional Great American Neighborhoods

- ◆ Identifying and educating markets for traditional neighborhood development
- ◆ Preparing a design manual about details of traditional neighborhood development
- ◆ Preparing a handbook of model ordinances to allow traditional neighborhood development
- ◆ Providing incentives for sewer and water lines

that is outline in this report can be accomplished within the upcoming four years, particularly given resource constraints. SPO anticipates that two separate activities will occur to help identify the most important areas to pursue. Over the coming months, SPO will review the recommendations with its various partners and establish short, mid, and longer-term priorities. In addition, over the coming year, SPO expects to work with the Land and Water Resources Council and the Smart Growth Coordinating Committee to establish priorities for interagency efforts.

The following acronyms are used in this section:

BACTS -	Bangor Area Comprehensive Transportation Study	MREDA-	Maine Real Estate Development Association
BGS -	Bureau of General Services	MFT -	Maine Farmland Trust
BPL -	Bureau of Public Lands	MFB -	Maine Farm Bureau
CDBG -	Community Development Block Grants	MFS -	Maine Forest Service
DAFRR -	Department of Agriculture Food and Rural Resources	MHPC -	Maine Historic Preservation Commission
DAFS -	Department of Administrative and Financial Services	MMA -	Maine Municipal Association
DECD -	Department of Economic & Community Development	MMBB -	Maine Municipal Bond Bank
DEP -	Department of Environmental Protection	MREC -	Maine Real Estate Commission
DMR -	Department of Marine Resources	MRDC -	Maine Rural Development Council
DOC -	Department of Conservation	MRS -	Maine Revenue Service
DOE -	Department of Education	MSHA -	Maine State Housing Authority
EPA -	US Environmental Protection Agency	NAP -	Natural Areas Program (DOC)
FHA -	Federal Highway Administration	NOAA -	National Oceanic and Atmospheric Administration
GIS -	Geographic Information System	NEMO -	Nonpoint Education for Municipal Officials
HUD -	US Department of Housing and Urban Development	PACTS -	Portland Area Comprehensive Transportation Study
IF&W -	Department of Inland Fisheries & Wildlife	RTAC -	Regional Transportation Advisory Committee
LMF -	Land for Maine's Future	ROW -	Right-of-way Discovery Grants
LWRC -	Land and Water Resources Council	SCORP -	State Comprehensive Outdoor Recreation Plan
LWCF -	Land and Water Conservation Fund	SHIP -	Small Harbor Improvement Program
LURC -	Land Use Regulation Commission	SPO -	State Planning Office
MDF -	Maine Development Foundation	SWOAM-	Small Woodlot Owners Association of Maine
MDOT -	Maine Department of Transportation	USDA -	US Department of Agriculture
MAR -	Maine Association of Realtors	USM -	University of Southern Maine
MCHT -	Maine Coast Heritage Trust		
MEGIS -	Maine Office of Geographic Information Systems		

This section of the report is divided into the ten goals and two strategies (regional coordination and evaluation) in the Act. Each section contains the recommendations made in 1999 (that are printed in gray type to distinguish them from the 2003 recommendations), a list of accomplishments since that date, and a series of new recommendations for 2003. From the 2003 recommendations, SPO identified nine priority areas which can be found in the KEY ACTIONS AND RECOMMENDATIONS section of this report.

GOAL A: Development Sprawl and Public Facilities



To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl.

1999 RECOMMENDATIONS

- Amend the Act to offer meaningful **incentives and rewards for communities with certified growth management programs** and expand preferential award of grants for expansion of sewer and water facilities consistent with a local comprehensive plan.
- Continue working to **eliminate policies that penalize service centers** or threaten rural natural resource-based economies.
- **Support MDOT's Urban Compact and Rural Road Initiatives.**
- Support MDOT's efforts to **establish access management policies** and regimes at the state, regional, and local level.
- Continue working with DOE to direct state funds toward **renovation and expansion of existing schools** in service centers and designated growth areas and to site new schools consistent with local comprehensive plans with consideration of impacts on regional growth patterns and sprawl.
- Build upon interagency working relationships begun in 1998 to identify strategies for mutually **reinforcing the productive use of rural lands** and deterring development sprawl. Priority areas include tax policy, land use planning, and business planning/marketing assistance for natural resource-based industries.

ACCOMPLISHMENTS 1999-2002

Offer Incentives for Communities with Certified Growth Management Programs

- Preferences: The Legislature amended the Act in 2001 to direct state agencies to establish preferences in grant and investment programs to assist municipalities with preventing sprawl. SPO worked with state agencies to implement these legislative requirements. Seven state agencies have modified 20 programs to incorporate a town's comprehensive planning efforts into the preferences for the award of funding, grants, and loans.

Eliminate Policies that Penalize Service Centers

- **Municipal Revenue Sharing**: The Legislature amended the municipal revenue sharing formula to shift new funds, generated by growth in revenue sharing dollars, to municipalities based on distress measured by full value tax rate.
- **Local Sales Tax**: SPO worked with partners to attain Governor King's support for enabling legislation to allow municipalities to enact a local option sales tax to fund regional infrastructure projects. This proposal was controversial, as any taxation plan would be, and was not enacted. The new Community Preservation Advisory Committee is charged with proposing solutions to help relieve the burden on service centers.
- **Local Roads Assistance**: MDOT worked with MMA to reformulate the Local Road Assistance Program into an Urban Compact and Rural Road Initiative that increased the amount that urban compact areas receive for maintaining state roads. MDOT is now exploring ways to improve the Traffic Movement Permit system to decrease incentives for moving development outward.
- **Impact Fees**: The Legislature clarified that school facilities are among the types of infrastructure facilities for which communities may establish impact fees and that communities that are part of a single or multi-community school district may deposit the proceeds of school impact fees in a trust fund to be used to pay their proportionate share of anticipated school capital costs.
- **Impact Fee Manual**: SPO developed an impact fee handbook for municipalities to address common questions about impact fees. It provides examples of impact fee ordinances in place in Maine communities and templates for calculating impact fees for transportation and school improvements and parks and open space.

Support MDOT's Urban Compact and Rural Road Initiatives

- The Urban and Rural Road Initiative in large part has corrected policies that penalize service centers or threaten rural natural resource-based economies.

Establish Access Management

- **Access Management Rules**: The Legislature endorsed and MDOT developed a new access management program for rural corridor highway management.
- **Strategic Passenger Plan**: MDOT advanced alternative transportation initiatives through the Strategic Passenger Plan resulting in the successful introduction of the Island Explorer Bus service at Acadia National Park and return of Amtrak passenger service to Portland.
- **Intergovernmental Planning**: MDOT made an integrated regional capital planning project possible in the Greater Bangor region, is active in the Hancock County *Planning for Prosperity* project, and is pursuing a new model of integrated planning in the Mid-Coast portion of the Route 1 corridor.
- **Transportation Improvements**: MDOT has begun to link future investments in sidewalks, bike trails and other transportation improvements to priorities outlined in comprehensive plans and is facilitating innovative development designs.
- **Integrate Transportation and Land Use Management**: SPO and MDOT worked and continue to work together to link land use and transportation planning, management, and investment.

Efforts range from coordination of public and private smart growth developments to support for linked regional transportation/land use plans. SPO and MDOT also cooperate in the preparation and delivery of data packages and reviews in support of local comprehensive planning as well as in the delivery of regional technical assistance.

Renovate and Expand Existing Schools

- **Publications**: SPO and DOE produced a nationally-recognized brochure called the *ABCs of School Site Selection* and distributed it to Maine school superintendents, construction committees, architects, land use planners, and municipal officials to help school districts and communities Avoid Sprawl, Be site savvy, and Consult the community in its process of addressing school facilities needs. SPO and DOE also produced a booklet called *Making Schools Important to Neighborhoods Again* to promote alternative approaches to siting schools that reinforce municipal efforts to direct their patterns of growth.
- **Workshops**: SPO and DOE conducted a one-day charette on school siting and sprawl, which was also called *Making Schools Important to Neighborhoods Again*. Nearly 50 school superintendents, finance directors, board members, designers, local planners, historic preservation, and smart growth advocates participated in the workshop.
- **State Guidelines**: SPO worked with DOE to revise state regulations guiding the siting of new schools to establish a hierarchy of site selection focusing first on sites within designated growth areas. Also revised school construction application forms for major construction funds to reflect the same.
- **Enrollment Projections**: SPO prepared town-by-town school enrollment projections for the Department.
- **Targeted Assistance**: SPO assisted each school district selected for construction funding (26 districts to date) resulting in 4 schools being renovated and expanded and 14 new schools being sited in residential growth areas.

Reinforce Productive Use of Rural Lands

(see GOAL E, F, and H for accomplishments related to natural resource-based economies)

2003 RECOMMENDATIONS

1. ***Target Capital Expenditures and Expand Preferences***: State investment programs and policies contribute to sprawl by building infrastructure outside of urban and rural centers. The State can support the first goal of the Act by targeting capital expenditures and siting office and community facilities in designated growth areas. It can also provide grant preferences in support of local planning efforts that are consistent with the goals of the Act. Under the Act, local planning is consistent with the Act when the Program finds its comprehensive plan consistent and when the local growth management program is certified³⁷. We recommend that SPO

³⁷ A Certified Growth Management Program includes a comprehensive plan that is consistent with the Act, a set of land use ordinances that are consistent with the Plan and state law, and adoption of a 10-year capital improvement program.

continue to work with state agencies to build awareness and support for these strategies as follows:

- a. Retain some type of preference for certified Growth Management Programs in the award of Municipal Investment Trust funds.
- b. Continue to work with DECD, DEP, DMR, MDOT, MSHA, and other agencies to build preferences for service centers and designated growth areas into their funding criteria.

2. *Integrate Land Use and Transportation Management:* *The relationship between land use management³⁸ and transportation planning and investment has been widely documented. Over the past four years, SPO and MDOT have worked to bring these two disciplines closer together. We recommend that SPO continue to work with MDOT on implementing access management, integrating land use/transportation planning and investment, and strengthening ties with local growth management programs to encourage compact patterns of development and to protect state and local capital investment in transportation and other facilities as follows:*

- a. Continue to participate in MDOT's Access Management Program Implementation team, which includes efforts to provide education, technical assistance, and prudent investment partnership opportunities with municipal officials and the private sector.
- b. Support further development of MDOT's Access Acquisition Program.
- c. Support MDOT's efforts to amend Access Management Rules to allow the Department to adjust the default standards in approved corridor management master plans for those municipalities that have developed, adopted, and are implementing such a plan.
- d. Update SPO Access Management Technical Assistance Bulletin to reflect new MDOT Access Management Program. Require municipalities to develop, adopt, and implement land use management plans that protect the State's investment in transportation systems before investments are made that increase capacity or improve amenities within that municipality.
- e. Provide incentives for the creation and implementation of regional land use and transportation investment area compact. Support MDOT initiative to bring the Sensible Transportation Policy and Planning and Land Use Regulation acts into 100% alignment, including statutory amendments and rulemaking efforts as required.
- f. Continue to strengthen the opportunities to coordinate joint state and local planning during comprehensive planning and MDOT's Six- and Twenty-year plan development processes.

3. *Direct School Investment to Service Centers and Growth Areas:* *The location of a school is a powerful influence on how the rest of a community and the region grow. We recommend that SPO continue to work with the Board of Education, DOE, and local school officials to assure that state policies to fund new schools do not inadvertently subsidize the outward movement of residents from service centers to outlying towns and that siting decisions are consistent with local comprehensive plans as follows:*

- a. Remove minimum lot size requirements for new schools and require school districts to demonstrate what they believe is necessary acreage to support school facilities.

³⁸ Land use management includes planning, regulation, investment, and other strategies.

- b. Identify and remove other hidden incentives to sprawl in state standards and guidelines, excluding health and safety standards.
- c. Formalize SPO's involvement in evaluating new construction over renovation before approving state funds for new construction.
- d. Require school districts that seek new construction funding to factor in walking distance as a consideration for site selection.
- e. Require district capital planning for all school facilities, not just those for which they are seeking funding.
- f. Include a broader analysis of cost factors for site selection and location, including busing.
- g. Support MDOT's "Another Way to School" program which provides other ways of getting to school besides buses, parental chauffeuring, and students driving their own vehicles and includes sensitive siting and creative partnering to support the construction of sidewalks, bike paths, and trails.
- h. Review the effectiveness of state efforts to shift school capital investments to service center communities, including strategies to consolidate school districts, renovate existing facilities, utilize capacity within the region, and site new facilities.

4. Support the Community Preservation Advisory Committee (CPAC): *In 2002, the Legislature established a committee to advise it, the Governor, SPO, and other agencies and entities on matters relating to community preservation, growth management, and sprawl. SPO sits as a member and provides staff support to the Committee (see APPENDIX N for a copy of the "First Annual Report of the Community Preservation Advisory Committee.") We recommend that SPO continue to dedicate staff resources to support this Committee as follows:*

- a. Undertake research in current and emerging areas of importance to CPAC's efforts, including the unintended consequences of Maine's tax structure and the need for regionalization.
- b. Engage state agencies and key legislators on CPAC priorities, including fiscal, transportation, education funding, school-siting, and land use policies that affect service center communities, rural lands and sprawl, and streamlining local and state land use regulations to encourage efficient neighborhood and economic development in growth areas.
- c. Collaborate with state agencies to implement CPAC's non-statutory recommendations, such as outreach and communication on regionalization, affordable housing, and preservation of unique and natural resources.

5. Continue to Facilitate Administrative Responses to Sprawl, including Efforts of the Smart Growth Coordinating Committee: *In the summer of 1999, Governor King formed a sub-cabinet working group to consider how state government could support smart growth principles. He asked cabinet members to review their agency operations, policies, laws, regulations, and investment decision-making processes that may unintentionally erode the vitality of service centers, viability of rural enterprises and working waterfronts, and ability of developers and communities to build and maintain strong neighborhoods and communities. The sub-cabinet developed a 3-year action plan ("Smart Growth: The Competitive Advantage"), worked together to identify and change policies in accordance with its charge, and developed a smart growth report card, "Indicators of Livable Communities." We recommend that SPO continue working*

with the Smart Growth Coordinating Committee, which is now a sub-committee of the LWRC, to enhance and expand its efforts as follows:

- a. Update *The Competitive Advantage* to create a new five-year action plan that establishes priorities for interagency efforts.
- b. Expand participation in the Smart Growth Coordinating Committee to include other agencies whose mission and efforts have an impact on sprawl.
- c. Continue to collect data for and release two-year updates of the *Indicators of Livable Communities* smart growth report card.
- d. Work with members of the Smart Growth Coordinating Committee to address interagency interests and policies, including adjusting comprehensive plan submission and review criteria, legislative matters, and investment strategies.
- e. Continue to work with state agencies to clearly understand their needs and challenges, expand awareness of the impacts of their policy and investment decisions, and increase appreciation of how smart growth is in the interest of their missions.

6. Continue to Involve and Expand the Role of State Agencies in Comprehensive Planning: *The Planning and Land Use Regulation Act directs state agencies with responsibility for various aspects of land use planning to review and provide input into local comprehensive plans. SPO coordinates these reviews. We recommend that SPO continue to mobilize state agencies in the comprehensive plan process as follows:*

- a. Encourage state agencies and communities to work together both early and at critical points in their planning processes, rather than at the end when final reviews are conducted.
- b. Provide training and guidance to state agencies to help expand an understanding of the value of their role in the comprehensive planning process and to help find ways to streamline their participation in the process.
- c. Improve the content, coordination, and delivery of state data and technical assistance materials to community planning committees, including the development of a comprehensive digital data package of all relevant state geographical information
- d. Engage participating agencies in updating comprehensive plan submission and review criteria to reflect recent changes in policy and statutory direction.
- e. Work with state agencies to update the 1992 *Comprehensive Planning Manual*.

7. Provide Grants and Technical Assistance: *SPO provides land use planning assistance to communities. We recommend that SPO continue these efforts as follows:*

- a. Continue to work with the DEP to seek federal funds for and offer grants to towns for brownfield assessment and redevelopment.
- b. Continue adding to SPO's Smart Growth ToolBox; increase awareness of the ToolBox and its resources statewide.
- c. Work with USM and others to "institutionalize" the Smart Growth Institute and to provide other more concentrated, geographically-based, or professionally-targeted training (like CEO training).

- d. Work with the Legislature and state agencies to provide incentives and support to communities to adopt building rehabilitation codes.

8. *Keep Rural Lands Productive.* *Keeping rural lands productive will strengthen our rural economy and deter sprawl. We recommend that SPO continue working on tax policy reforms, long-term land production, “Buy Local” campaigns, research and development investment, and business planning/marketing assistance for natural resource-based industries (see also GOALS F, G, and H and APPENDIX L for the LWRC report “Incentives to Keep Rural Land in Productive Fishing, Farming, and Forestry Use.”) as follows:*

- a. Adopt an overall policy statement and implementation strategy to support natural resource-based industries and provide incentives for responsible rural land stewardship for mutually-reinforcing economic, social, and ecological benefits.
- b. Advocate for state reimbursement to municipalities for lost tax revenue from current use taxation programs.
- c. Engage federal partners such as the USDA and HUD in a review of grant and loan policies that facilitate development in rural areas.

9. *Shift Fair Share of Cost of Regional Services:* *Service center communities, in both urban and rural parts of the State, unfairly bear the burden of services for surrounding outlying communities including social services, emergency services, and infrastructure investments. We recommend that SPO continue to support legislation that allows local and regional taxation options and to work with partners as follows to:*

- a. Adopt criteria which CPAC and others can use to evaluate how various tax reform proposals are likely to impact development patterns.
- b. Develop financial support to explore promising initiatives and incentives to adopt regional delivery of services.
- c. Support successful models of sharing costs of regional services and develop technical assistance to document and share information about them.
- d. Explore state and regional fair share taxation policy partnerships to ease the burden on municipalities that host government offices and major nonprofit institutions providing regional services, such as schools and hospitals.
- e. Facilitate stakeholder conversations around the inherent tension between regional efficiencies and the need for core community infrastructure, especially in declining rural areas and service center neighborhoods; assist policymakers with identifying the right balance.

10. *Embolden Comprehensive Plans:* *Local plans that designate where the community wants and does not want growth to occur underlay all of the State’s other smart growth initiatives. It has become clear that communities struggle with making the hard political choices that are key to directing development patterns. Perceived landowner inequity and fear of density are two particular challenges. We recommend that SPO maintain efforts to help communities strengthen their comprehensive plans, including providing financial and technical assistance, especially to update existing comprehensive plans as follows:*

- a. Seek additional funding for Comprehensive Plan Update Grants, including dedication of a portion of existing funds.
- b. In some cases, increase local match requirements to ensure commitment and to stretch funding as far as possible.
- c. Continue to develop new tools for community visioning processes and visualization techniques, as keys to adopting bolder comprehensive plans.
- d. Explore techniques to address perceived landowner inequity and fear of density.
- e. Continue efforts to provide good, usable, interpretable data in a form that is most useful to towns and that will improve plans and reduce their overall cost to develop.

11. Promote Compact Development and Mixed Use: *Compact and mixed-use development offers general efficiencies in the movement of people and goods between the different types of uses. It creates a proximity and density of population that supports alternative transportation options (including biking and walking), cultural amenities, and shops and services and makes more efficient use of public investments. We recommend that SPO continue to facilitate interagency support for local land use and capital planning for the infrastructure necessary to support compact patterns of development, including general planning of growth areas, new and improved roadways, public sewer and water, streetscapes, recreation, and open space.*

(Note: This recommendation also supports efficient public investments under Goal B)

12. Promote Traditional Neighborhood Development: *SPO's research documents that nearly 40% of new homebuyers in Maine would prefer homes in traditional neighborhoods that are walkable and that have interconnected streets, mixed neighborhood uses, and well-designed open spaces. To help meet this demand and reduce sprawling patterns of development, we recommend that SPO continues working with developers and communities to create Great American Neighborhoods that provides choice in the housing market as follows:*

- a. Support the development of livable, compact development and share information about good examples as they are developed.
- b. Provide visual tools to redefine public images of "density;" provide technical assistance to regulators, developers, and town leaders which demonstrates that compact development supports the creation of safe and livable communities.
- c. Develop guidelines and technical assistance material about water and wastewater systems for new, compact development which is not served by public sewer and/or water systems.
- d. Require densities that are appropriate to justify public investment in infrastructure such as water, sewer, and sidewalks in all state grant and loan programs; encourage federal agencies to adopt similar requirements.

GOAL B: Capital Investment Strategy



To plan for, finance, and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development.

1999 RECOMMENDATIONS

- The **Municipal Investment Trust Fund** should be funded to support local efforts to provide necessary infrastructure and services to attract and accommodate development in designated growth areas of communities with consistent growth management programs.
- State agencies should **review and modify existing programs supporting local infrastructure investments** to ensure that preference is given to communities whose projects are supported by consistent growth management programs.
- State agencies should encourage efforts to provide for infrastructure and public facilities needs that **provide benefits on a regional or multi-town basis** as long as these efforts do not encourage development sprawl.

ACCOMPLISHMENTS 1999-2002

Municipal Investment Trust Fund

- **MITE**: The Legislature appropriated \$400,000 and voters approved \$4 million to capitalize the Municipal Investment Trust Fund.

Add Preferences to Programs that Support Local Infrastructure Investments

- **Preferences**: The Legislature amended the Act in 2000 to direct state growth-related capital investments to service centers and growth areas.³⁹ In 2002, the Legislature added hospitals and other quasi-public facilities that use state or passed-through federal dollars in the definition of growth-related capital investments. SPO has worked with state agencies to implement the legislative requirements.
- **Court Buildings**: SPO worked with the Judicial Branch, District Court Officials, and BGS to select sites for two district courts in renovated buildings in the host communities' downtowns.
- **New State Buildings**: The BGS has modified its bid requirements to give preference to service centers, downtowns, and designated growth areas for new state buildings.
- **Community Development**: DECD now gives preferences to growth areas in its CDBG grants.

³⁹ Includes construction or extension of utility lines, development of industrial or business parks, public service infrastructure and public facilities, state office buildings, state courts and other state civic buildings, newly constructed multifamily rental housing.

- Sewer Loans: To be eligible to apply for loans under the patient sewer loan fund, projects must be in growth areas.
- Infrastructure Grants: State grant programs for infrastructure for sewers, water systems, harbor improvements, boating facilities, outdoor recreational facilities, and transportation enhancements all have preferences for growth areas.
- Housing: MSHA provides financing for residential subdivisions in locally-designated areas that meet their guidelines.

Provide Benefits on a Regional or Multi-town Basis

(See REGIONAL COORDINATION)

2003 RECOMMENDATIONS

*1. **Direct Regional and Municipal Infrastructure to Growth Areas:** Regional and local infrastructure and services are necessary to attract and accommodate development. We recommend that SPO continue to support regional and local efforts to provide infrastructure and services, but direct them to designated growth areas of communities with consistent comprehensive plans and certified growth management programs as follows:*

- a. Continue offering towns technical assistance to prepare capital plans and to make investments that address maintenance and new facilities outlined in comprehensive plans
- b. Encourage municipalities to adopt certified growth management programs with financial or other incentives that support ongoing capital planning.
- c. Support continued funding of the Municipal Investment Trust Fund and retain preferences for communities with consistent comprehensive plans and certified growth management programs.
- d. Work with state agencies to review and modify existing programs that support local infrastructure investments to ensure that preference is given to those communities and projects that are supported by consistent comprehensive plans and certified growth management programs.
- e. Work with state agencies to create incentives or threshold requirements for towns to develop and use ongoing capital planning and investment as a condition of receiving funds for big-ticket items like schools, roads, sewer, water, parks, recreation, and other infrastructure.
- f. Work with state agencies to support investments in infrastructure and public facilities that benefits a region or multiple towns as long as these efforts do not encourage development sprawl; use as a model the PACTS Planning Committee's recent proposal to link capital investment for improvement of arterial roadways to coordinated management of land use in affected communities.
- g. Work with MDOT, the Board and DOE, regional organizations, and municipalities to develop workable and sensitive approaches which ensure that investment in school and non-linear transportation systems are made in designated growth areas whenever possible and do not subsidize and encourage sprawl.

2. Enhance Capital Planning by State Government: *The timing and location of state infrastructure impacts regional and local capital planning efforts. We recommend that SPO work with state agencies to prepare capital plans that respect local growth management plans and encourage implementation of regional growth management efforts as follows:*

- a. Integrate all state capital investments (including school aid) into a statewide capital plan.
- b. Work with state agencies to clarify the appropriate applicability of local zoning jurisdiction over state agency activities.
- c. Improve efforts by state agencies to assist municipalities in implementing their consistent comprehensive plans and certified growth management programs by seeking opportunities to invest in accordance with such programs and complying with land use ordinance requirements. Build on improved state-local communication during the planning process to adequately foresee state interests and minimize discord.
- d. Work with the Smart Growth Coordinating Committee, CPAC, and MMA to address the growing problem of utilizing outdated comprehensive plans that do not comply with current state policy or relate to relevant investment decisions as a basis for state agency guidance.

3. Engage Federal Funding Agencies: *Federal funding for regional and municipal infrastructure and services also impacts sprawl. We recommend that SPO engage federal funding agencies and Maine's Congressional Delegation to redirect federal funds to locally-designated growth areas as follows:*

- a. Examine federal housing, community and economic development, transportation, and new homeland security infrastructure policies, programs, and needs and work with federal agencies to address issues and concerns about sprawl.
- b. Explore options for legislation, executive action, or administrative rule-making to direct federal funds in accordance with this goal.

GOAL C: Economic Development



To promote an economic climate which increases job opportunities and overall economic well-being.

1999 RECOMMENDATIONS

- State agencies should **establish common policies and grant award practices**.
- The Office should continue to **offer technical assistance to towns on capital improvement planning** to implement investments outlined in their comprehensive plans.
- The Office and Department of Economic and Community Development (DECD) should work together to provide municipal technical assistance to **integrate community planning and economic development**.
- The DECD should **target a portion of its Community Development Block Grants** for downtowns in service centers and designated growth areas of communities with consistent growth management programs.
- The DECD should establish a **set aside for grants to service centers** to address stagnant or declining populations, high proportion of low income and dependent populations, aged housing stock, and other symptoms of long term economic and social stress similar to that recognized by federally designated entitlement communities.
- The Office should continue to work with the Finance Authority of Maine (FAME), Maine State Housing Authority (MSHA), and DECD to **ensure that service centers and designated growth areas are “ready to serve” potential new and redevelopment projects** that might be inclined to locate in non-center communities and rural areas if they perceive there are no acceptable areas in existing downtowns.

ACCOMPLISHMENTS 1999-2002

Assist Towns with Capital Improvement Planning

- Technical Assistance: The Program continues to help communities develop capital improvement plans through technical assistance and reviewing local comprehensive plans.

Integrate Community Planning and Economic Development

- Maine Downtown Center: In 2000, SPO, DECD, and the MDF worked together to create the Maine Downtown Center as required in statute. Several other state agencies played, and continue to play, a role in the Center’s operation including MDOT, MHPC, and MSHA. The Center resides at MDF with a SPO staff member sitting on the Board of Advisors. SPO

provided approximately \$200,000 in financial support for grants to Maine communities and coordinated ongoing financial support from itself and six other agencies⁴⁰ for the Center's first three years of operation.

- FirstPark: The Kennebec Regional Development Authority is comprised of 24 communities that have committed to share costs and revenues for the FirstPark Business and Technology Center in Oakland. Working together, the towns can reduce development sprawl.
- Housing Analyses: SPO and DECD are considering coordinating SPO planning grants and DECD housing study funds to augment housing analyses in local comprehensive plans.

Target a Portion of Community Development Block Grants

- CDBG: DECD has incorporated preferences for service centers, as Maine's traditional centers of commerce, industry, and commerce, in CDBG scoring criteria.

Establish Set-asides for Grants to Service Centers

- CDBG: While DECD has preferences for service centers for CDBG funds, there is no set aside.

Ensure that Service Centers and Designated Growth Areas are "Ready to Serve"

- Redeveloping Brownfields: With EPA grant funding, SPO and DEP established the Brownfield Site Assessment Services Grant Program and has provided approximately \$120,000 in funds for site assessments in three communities. SPO and DEP have applied for additional federal funds to extend the program.
- Affordable Housing: See GOAL D – AFFORDABLE HOUSING
- Sewer Extensions: See GOAL D – AFFORDABLE HOUSING

2003 RECOMMENDATIONS

1. Direct Economic Development to Service Centers and Growth Areas: We recommend that SPO continue to work with various economic development entities such as DECD, FAME, MSHA, and others to assure that economic development investments are location sensitive and reflect smart growth principles as follows:

- a. Establish common state agency policies and practices in grant awards to recognize and reward local economic development initiatives based on consistent comprehensive plans and certified growth management programs.
- b. Work with DECD to provide technical assistance to municipalities to integrate land use planning and economic development investments.
- c. Continue to work with FAME, MSHA, and DECD to ensure that service centers and designated growth areas are "ready to serve" potential new and redevelopment projects that might be inclined to locate in non-center communities and rural areas if they perceive there are no acceptable areas in existing downtowns.

⁴⁰ DECD, DEP, FAME, MDOT, MHPC, and MSHA.

2. Enhance Preference in State and Federal Funding: *We recommend that SPO continue to work with state agencies to assure that policies and grant award practices give preference to economic development in service centers and locally-designated growth areas as follows:*

- a. Work with DECD to coordinate funding efforts, particularly CDBGs, for downtowns in service centers and designated growth areas of communities with consistent comprehensive plans and certified growth management programs. Work to strengthen and enhance the likelihood of and preference for grants to service centers to address stagnant or declining populations, high proportions of low income and dependent populations, aged housing stock, and other symptoms of long-term economic and social stress similar to that recognized by federally-designated entitlement communities.
- b. Support and expand efforts to link SPO's comprehensive planning grant funds with DECD's housing and planning funds to increase communities' ability to address housing and economic development issues. Work with other agencies to establish similar set-asides regarding comprehensive planning issues that relate to their missions. For example, MDOT may be able to set aside some funds to do transportation plans which would augment SPO comprehensive planning funds.
- c. Encourage federally-designated economic development districts to prepare Overall Economic Development Plans and allocate funds to projects that are consistent with local comprehensive plans.

3. Redevelop Downtowns: *We recommend that SPO continue to work with the Maine Downtown Center to encourage redevelopment of downtowns as follows:*

- a. Continue to work with DECD, MDOT, MHPC, MSHA and other agencies to provide direct technical and financial assistance to municipalities that are designated Main Street Maine communities and to assist other municipal downtown revitalization efforts.
- b. Continue to remove barriers to redevelopment in existing downtowns and remove state subsidy of development outside of downtowns and designated growth areas.
- c. Create fiscal and regulatory incentives for municipalities to adopt building rehabilitation codes.

4. Engage Private Sector: *We recommend that SPO support private sector development that enhances Smart Growth as follows:*

- a. Work with DECD and the Maine Downtown Center to engage the private sector in planning for affordable housing, transportation networks, attractive communities, and other smart growth principles.
- b. Engage the Maine Bond Bank and private lenders to provide greater access to capital for ventures that advance smart growth principles.
- c. Continue to build strong relationships with private and nonprofit groups like MERDA and MAR and with MREC.

GOAL D: Affordable Housing



To encourage and promote affordable housing opportunities for all Maine citizens.

1999 RECOMMENDATIONS

- The Office should continue to work with MSHA to **expand the availability of its New Neighbors Program** to other service centers.
- The Office and MSHA should work together to **establish a linkage between the State's affordable housing grant and loan programs and consistent local growth management strategies**.
- The Office should continue to **identify and promote traditional, compact development** using market research where appropriate, alternative design strategies, demonstration projects, and technical assistance.

ACCOMPLISHMENTS 1999-2002

Expand the New Neighbors Program

- Expansion: MSHA expanded the number of participating communities by 166% in the last four years.

Link Affordable Housing Funding and Community Planning

- Affordable Housing: To encourage construction of new neighborhoods closer to services, MSHA's Affordable Subdivisions Financing Program provides financing for residential subdivisions in growth areas that meet MSHA guidelines.

Promote Compact Development

- Public Outreach: SPO studies issues related to smart growth and living in compact neighborhoods and concluded that there are people in Maine who prefer to live on small lots in walkable, mixed-use neighborhoods, but finding a home in such a neighborhood is impossible. SPO will use the study results to create an education campaign about Great American Neighborhoods.
- Hometown Maine: SPO is preparing a design guide for developers and communities to promote the creation of quality, livable Great American Neighborhoods. In addition, where many town ordinances currently prohibit traditional neighborhoods due to lot size and road frontage requirements, SPO is preparing technical assistance materials to help towns revise their ordinances to allow mixed-use, compact neighborhoods.

- **Patient Sewer Loan Program:** SPO worked with DECD, DEP, MMBB, and the EPA to create a \$3 million Patient Sewer Loan Fund Program to provide low-interest loans covering the cost of sewer or sewer extensions to eligible areas with a graduated or “patient” payback provision that keeps payments low at the start of the project as an incentive for communities and developers to create new or add to existing Great American Neighborhoods.
- **Livable Affordable Neighborhood Bill:** The Legislature amended the statutory definition of affordable housing. The amended bill did not include the Joint Study Committee to Study Growth Management’s recommendations to create an Affordable Neighborhood Development Review Board and to support affordable housing development in municipalities where it is a particular challenge. The bill has been reintroduced in the 121st session in both its original form and, separately, linked to a series of incentives.

2003 RECOMMENDATIONS

1. Redirect Housing Assistance: *We recommend that SPO continue to establish links between state and federal housing policies and consistent local comprehensive plans and certified growth management programs as follows:*

- a. Continue to work with MSHA to coordinate the State’s affordable housing grant and loan programs with local comprehensive plans.
- b. Continue to work with MSHA to expand the availability of its New Neighbors Program to other service centers.
- c. Work with MSHA to identify federal housing investment policies and programs to support the creation of affordable housing.

2. Address Affordable Housing at the Regional and Local Level: *We recommend that SPO continue to work with municipalities to address affordable housing needs in comprehensive plans and land use ordinances and continue to encourage traditional neighborhood designs and compact development patterns like the Great American Neighborhood as follows:*

- a. Find funds for an education campaign about the importance of and pressures on affordable housing and strategies to increase it, including development of Great American Neighborhoods.
- b. Promote the rehabilitation and reuse of abandoned, vacant buildings.
- c. Work with MSHA to identify methods to encourage affordable housing, including Tax Increment Financing of affordable housing and other incentives, and to remove penalties where they are identified.
- d. Promote enactment of the livable, affordable neighborhood bill, with efforts to provide incentives for municipal support of these projects.

3. Conduct Market Research: *We recommend that SPO continue to conduct and use market research to inform housing development strategies as follows:*

- a. Conduct a study to determine the impact of affordable housing on property taxes.
- b. Conduct market research to update perceptions about housing and neighborhoods, density, and the effectiveness of the affordable housing education campaign.

GOAL E: Water Resources



To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers, and coastal areas.

1999 RECOMMENDATIONS

- The Office should continue to **offer technical assistance to communities** and state agencies and focus on the undeniable connection between water quality and land use throughout the watershed. The State should continue to provide and expand the use of preferences for communities with consistent growth management programs in the award of watershed and water quality grants.
- The Office and DEP should study the watersheds of sensitive water bodies and develop protocols for their protection including using **regional models of watershed protection**.
- The State should attempt to map development that falls below current Stormwater Law review thresholds in selected lake watersheds to help identify opportunities for **regional management of impacts on the water body**. If the State identifies a higher rate of development than anticipated, it should alert towns in the watershed to the need for action to manage water quality impacts of development in watersheds of sensitive water bodies.
- The Office and other state agencies that seek to protect water quality or whose activities impact it should continue to **coordinate watershed wide management and protection efforts** using the China and Damariscotta Lake Watershed associations as models.
- The Office and other state agencies should continue to encourage municipalities to **incorporate aquifer and watershed protections in local ordinances** to minimize the negative impacts of development on community and district drinking water sources.

ACCOMPLISHMENTS 1999-2002

Assist Communities

- Nonpoint Education: In collaboration with DEP, SPO has supported the Maine Nonpoint Education for Municipal Officials (NEMO), an educational program for local land use officials that addresses the relationship of land use development to natural resource protection.

Use Regional models for Watershed Protection

- New Meadows River Watershed: The New Meadows River's 23 square mile watershed lies within the Casco Bay watershed that encompasses 44 towns, drains 985 square miles, and is

drained by a 12 river and lake system. The New Meadows River Watershed Project brings together state and municipal officials and citizens from West Bath, Brunswick, Harpswell, Phippsburg, DEP, DMR, SPO, Maine Coastal Program, EPA, Casco Bay Estuary Project, Friends of Casco Bay, New Meadows Lake Association, Bowdoin College, and MER Assessment Corporation to develop protection strategies and engage residents in issues affecting the water and sediment quality and the general health of the living resources of the river.

- Cove Brook: The Cove Brook Watershed Council is a grassroots organization founded in 2001. Winterport's Cove Brook (locally known as Maggie's Brook) is a 10-mile tributary of the Penobscot River. It has been identified by the federal government as one of the eight Maine watersheds with a distinct and endangered population of Atlantic salmon. In addition, the watershed is used for a variety of recreational activities such as snowmobiling, fishing, horseback riding, hiking, and cross-country skiing. One of the Council's goals is to help maintain and support these traditional uses.
- Casco Bay: SPO and DEP are partnering with the Casco Bay Estuary Project to support the Presumpscot River Watch project. The Presumpscot River Watch is dedicated to preserving and improving the health of the Presumpscot River and its watershed by scientific monitoring; sharing data to increase awareness; and serving as a steward for the river through participation in legislative, community, and individual efforts.

Regional Management of Water Bodies

- Stormwater Rules: SPO is working with DEP and stakeholders to revise Maine's Stormwater Rules to incorporate federal National Pollutant Discharge Elimination System Phase II requirements to address stream degradation. The agencies have been examining linkages between stormwater runoff, land use, and water quality degradation and are working to find ways to encourage smart patterns of development while protecting Maine's natural resources. SPO is also working with DEP to develop a handbook for communities interested in establishing and implementing a local or regional stormwater district to meet the development and maintenance needs of stormwater prevention and management.

Coordinate Watershed-wide Management and Protection Efforts

- Water Quality Grants and Loans: To be eligible for the DEP-administered 319(h) Nonpoint Source Pollution Grants and the Patient Sewer Loan Program, communities must have consistent comprehensive plans. The Combined Sewer Overflow Program (See GOAL D – AFFORDABLE HOUSING) and State Revolving Loan Fund for municipal wastewater treatment plans and other sewage improvements both prioritize growth areas designated in consistent comprehensive plans.

Incorporate Aquifer and Watershed Protections in Local Ordinances

- Wetlands Ordinance: SPO, DEP, MDOT, and a group of local and regional planners are developing a model wetlands ordinance to provide localities with the tools to inventory and evaluate their wetlands.

- Drinking Water Protection: Under the auspices of the LWRC, SPO prepared a *Report on an Education Strategy for Public Water Supply Protection Aimed at Municipalities and the General Public* under P.L.1999 Chapter 761. Working through a Drinking Water Education Strategy Advisory Committee, the report outlines a strategy for public drinking water supply protection.
- Drinking Water: DHS' Drinking Water Program now participates in the review of local comprehensive plans.

2003 RECOMMENDATIONS

1. *Land Use and Water Quality*: *There is an undeniable connection between water quality and land use. We recommend that SPO continue to support efforts to direct growth in a way that minimizes this impact as follows:*

- a. Work with DEP to coordinate watershed wide management and protection efforts using the China and Damariscotta Lake Watershed Associations as models.
- b. Work with DEP to continue to study the watersheds of sensitive water bodies and develop protocols for their protection including using regional models of watershed protection.
- c. Work with DEP to map development that falls below current Stormwater Law review thresholds in selected lake watersheds to help identify opportunities for regional management of impacts on the water body. If the State identifies a higher rate of development than anticipated, it should alert towns in the watershed to the need for action to manage water quality impacts of development in watersheds of sensitive water bodies.
- d. Work with DHS to continue to expand the involvement of the Drinking Water Program in smart growth efforts.

2. *Inadvertent Impact of Regulation*: *In an attempt to protect water and other natural resources, state regulations sometimes have the effect of pushing development outwards and contributing to sprawl rather than fostering compact development in areas where impacts can be managed and minimized. We recommend that SPO work with other state agencies in efforts to protect water and other natural resources to avoid single purpose, well-intentioned efforts that may encourage sprawl and have a greater overall environmental impact as follows:*

- a. Support research to understand the effect of regulations on pushing development outwards from traditional compact and designated growth areas, and the impact of compact patterns of growth on water quality.
- b. Work with DEP to develop alternative water quality protection programs that achieve the dual goals of water quality protection and compact development.
- c. Recognizing that railbeds and other trail opportunities are often located in riparian areas that fall within Resource Protection Districts or under other provisions of Shoreland Zoning, work with DEP and DOC to determine what uses should be permitted in these areas and what standards are needed to protect water quality.
- d. Work with DHS to address links between on-site wastewater treatment requirements and the resulting dispersed patterns of development; investigate alternatives such as

community systems and technological innovations to allow for more compact development.

3. Address Water Quality at the Local Level: *We recommend that SPO continue to work with municipalities to address water quality issues in comprehensive plans and land use ordinances as follows:*

- a. Work with DEP to expand the use of preferences for communities with consistent comprehensive plans and certified growth management programs in the award of watershed and water quality grants.
- b. Work with DEP and DHS to continue to secure federal funding for the Patient Sewer Loan Fund.
- c. Expand local technical assistance to address the nexus of water quality and compact development, including water and wastewater systems and stormwater utilities.
- d. Continue to encourage municipalities to incorporate aquifer and watershed protections in local ordinances to minimize the negative impacts of development on community and district drinking water sources.
- e. Continue to collaborate with the Maine NEMO program and integrate it more closely with local comprehensive planning efforts.
- f. Support expansion of the NEMO model to address nonpoint source pollution of coastal waters.

GOAL F: Critical Natural Resources



To protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and unique natural areas.

1999 RECOMMENDATIONS

- Continue to work with a broad coalition of environmental and natural resource agencies and nongovernmental organizations, including the NAP, IF&W, DMR, Maine Audubon, and Eco/Eco, among others, to **develop regional strategies to protect habitat** and address fragmentation that go beyond regulatory approaches.
- Develop **state funded incentives** (such as technical assistance and planning grants) for municipalities and conservation and recreation interests to cooperatively develop multi-town regional plans that provide for open space and wildlife protection.
- Develop **landowner incentives** (such as property tax relief) or disincentives to encourage land to remain undeveloped.
- Develop **model performance standards** to protect habitats of importance (through a cooperative effort of regional council and the DOC, IF&W, and the Office).
- Initiate **pilot projects** that seek to demonstrate and test the efficacy of planning and management tools and techniques.
- Establish **multi-objective management** (that encompasses habitat protection, but also groundwater and surface water protection, flood mitigation, recreation and open space, quality neighborhoods and community development, historic and archaeological preservation, forest land and agricultural land conservation) as the preferred method of planning for development and conservation by state agencies and municipalities.
- Favor land acquisition programs in areas which have **regional open space plans** (as part of the Public Land Acquisition Advisory Committee guidelines).
- **Amend Land for Maine Future Board criteria** to consider focal areas identified in the Beginning with Habitat program, parcels which connect land already in protected status, and the value of wildlife corridors on property being considered for state purchase.
- Direct **state policies and funds to revitalize city/village centers**.
- Initiate a **publicly funded bond issue to increase the amount of land in public ownership in Maine by 20%**, with special emphasis on protection of natural reserves that would conserve outstanding examples of Maine's native plant and animal habitats.

ACCOMPLISHMENTS 1999-2002

Develop Regional Strategies to Protect Habitat

- Beginning with Habitat: The Beginning with Habitat pilot created a framework for local and regional organizations to protect large blocks of undeveloped lands, wildlife corridors, and important plant and wildlife habitat and natural communities. Beginning with Habitat, a cooperative effort of agencies and organizations, has moved from a pilot stage and is now fully integrated into the comprehensive planning process. This program has forged new ground in three key areas: (1) collaboration among state, federal and non-profit agencies in partnership with private landowners; (2) practical application of Geographic Information System (GIS) technology; and (3) aggressive and effective outreach to and relationship building among comprehensive planning committees, land trusts, and regional councils.
- Wetlands Characterization: This wetlands initiative is a GIS-based planning tool developed to assess the functions of wetlands within a watershed. This project began as a pilot in 12 southern Maine towns and is now available to all of towns.

Incentives

- Land for Maine's Future: The LMF program statute was changed in the fall of 1999 to authorize acquiring land and easements on sites of local and regional significance.
- Coastal Funds: The Maine Coastal Program includes a modest amount of grant funding for habitat planning. The first grant was made to the Mid-Coast Council of Governments for work being done in the St. George River watershed in 2002.
- Habitat Restoration: With grant funds from the National Marine Fisheries Service, SPO, under the auspices of the Gulf of Maine Council, is drafting a regional habitat restoration plan and providing grants to protect and restore coastal and marine habitats.
- Landowner incentives for wildlife habitat protection: Governor King's smart growth sub-cabinet committee's action plan: *The Competitive Advantage* calls for developing both wildlife habitat and waterfront tax credits. LWRC reiterated this recommendation in its *Report on the Use of Incentives to Keep Land in Productive Farming, Fishing, and Forestry Use* (see APPENDIX L), prepared as directed by PL 1999, Ch. 776. To date, efforts to enact these tax credits have not been successful.

Develop Model Performance Standards

- Though efforts were made to prepare model performance standards to protect wildlife habitat, they were not finalized over the period of this evaluation.

Initiate Pilot Projects

- See Beginning with Habitat and Wetlands characterization pilots above

Establish Multi-objective Management

- See Beginning with Habitat above

Favor Land Acquisition in areas that have Regional Open Space Plans and Protect Wildlife Corridors

- Land for Maine's Future: The LMF Program has put more emphasis on coordinating its project development with regional and local comprehensive planning and implementation efforts. The LMF board is particularly interested in projects that create open space and habitat protection through corridors, general proximity, and other measures of critical mass.

Increase the Amount of Land in Public Ownership in Maine by 20%

- Land for Maine's Future: Using funds from the 1999 Bond issue, LMF has undertaken over 70 projects over the past several years (See GOAL J – RECREATION AND ACCESS).

Direct State Policies and Funds to Revitalize City/Village Centers

(See GOAL A – DEVELOPMENT SPRAWL AND PUBLIC FACILITIES)

2003 RECOMMENDATIONS

(Note: The recommendations for this goal area overlap with Goals G and H on Marine and Agricultural and Forest Resources. In 2001, the Legislature directed the LWRC to examine incentives for keeping rural lands productive. (See APPENDIX L for a full copy of the report, *Incentives to Keep Rural Land in Productive Fishing, Farming, and Forestry Use*.)

1. Strategies to Protect Habitat: *We recommend that SPO continue to work with a broad coalition of environmental and natural resource agencies and nongovernmental organizations, including NAP, IF&W, DMR, Maine Audubon, MCHT, EcoEco, and GrowSmart Maine, among others, to promote the importance of retaining large blocks of unfragmented habitat as follows:*

- a. Develop regional strategies to protect habitat and address fragmentation that go beyond regulatory approaches.
- b. Help establish performance standards, regulatory or otherwise, to monitor and protect areas of state significance. Strategies and standards should address habitats in service centers as well as in rural and growth areas of fast growing and rural communities.
- c. Work with state agencies and municipalities to use the Beginning with Habitat model, which integrates planning data from all available sources, to plan for development and conservation of other natural resources including groundwater, surface water, flood prevention and mitigation, recreation and open space, livable neighborhoods, community development, historic and archaeological resources, and forest and agricultural land conservation.
- d. Support integration of Beginning with Habitat project services into state conservation (IF&W and DOC) staffing and budget in order to ensure that communities continue to receive important habitat data for planning and technical support to effectively use the information.

2. Keep Rural Lands Productive: In 2001, the Legislature directed the LWRC examine incentives for keeping rural lands productive. We recommend that SPO continue to work with the DMR, DOC, MDOT, IF&W, DECD, and DAFRR, and the Governor's Office to implement the outstanding recommendations of the LWRC's Report on "Incentives to Keep Rural Land in Productive Fishing, Farming, and Forestry Use" (see APPENDIX L).

3. Improve Outreach for the Land for Maine's Future Program: Although the State has made a substantial investment in farmland preservation, the LMF Program has identified a need for more outreach to help solicit and assist in the development of proposals involving farmland preservation. We recommend that SPO continue to work with the LMF Program to identify staff resources to undertake this work. Options include funding positions at the state level, exploring whether USDA and/or University (e.g. Cooperative Extension) employee time might be able to be deployed in this area, contracting with another organization (e.g. the MFT), or establishing a program that would provide small grants to improve the staff capacity of local and regional land trusts and other nonprofits which rely heavily on volunteer labor.

4. Identify and Strengthen Tax Incentives: We recommend that SPO assist with the analysis of several tax incentives recommended in the LWRC report as follows:

- a. A wildlife habitat tax incentive for landowners who own important wildlife habitat identified by state or town planning efforts and who agree to enter into a management agreement.
- b. A state income tax credit for conservation that would provide an incentive beyond the current federal income tax deduction available for charitable gifts.
- c. Transfer of Development Rights (TDRs); how TDRs, which have been used successfully in other parts of the country, might be adapted for use in Maine.

5. Work with Private Land Owners: Large tracts of land in Maine are privately owned. It is clearly more cost-effective for private landowners to manage their lands in a way that protects the public interest than to attempt to address the problem solely through the acquisition of properties and easements. We recommend that SPO support private land owners as follows:

- a. Continue to look for funds to provide incentives for stewardship (through federal farm bill, MFS, IF&W, etc.).
- b. Work with local land trusts to identify state, regional and local priorities and partner on public/private resource development.
- c. Explore additional landowner incentives (such as property tax relief) or disincentives to encourage land to remain undeveloped.
- d. Continue to investigate mechanisms to effectively transfer equity to and from landowners disproportionately affected by growth management programs (e.g. transfer and purchase of development rights).

6. Address Habitat Protection at the Local Level: We recommend that SPO continue to work with municipalities to address habitat and open space protection in comprehensive plans and land use ordinances as follows:

- a. Strengthen support for municipal, conservation, and recreation interests to cooperatively develop multi-town regional plans that provide for open space and wildlife protection.
- b. Strengthen directives for state policies and funds to enhance and revitalize city/village centers.
- c. Provide assistance for municipal road network master planning, which clearly outlines areas for future development and conservation and facilitates efficient use of land in growth areas.
- d. Provide information and outreach on the model wetlands ordinance being developed by SPO, supporting municipalities that wish to integrate protection of their wetlands resources with local land use planning.
- e. Consider using Maine Coastal Program funds to develop model scenic resource protection ordinances for viewshed, ridgetop, harbor, and community character preservation.
- f. Ensure that communities continue to receive 1) plant and wildlife habitat information; and 2) technical support to effectively use this information by providing state support to integrate Beginning with Habitat into the budget and staff of IF&W, DOC, and NAP.

7. Acquire Lands of State, Regional, and Local Significance: *We recommend that SPO continue to coordinate with the LMF Program to support regional open space plans.*

GOAL G: Marine Resources



To protect the State's marine resources industry, ports and harbors from incompatible development and to promote access to the shore for commercial fishermen and the public.

1999 RECOMMENDATIONS

- The Office should continue to **help coastal communities use and adopt comprehensive plans and ordinances** that are consistent with the Act.
- The Office should continue to work with state and federal agencies to **coordinate programs and policies that support the Act's marine resources goal**, create programs that address marine resource needs identified in local comprehensive plans, and provide grant preferences for communities with consistent growth management programs.

ACCOMPLISHMENTS 1999-2002

Help Coastal Communities

- Staffing: Currently, the Maine Coastal Program funds three Program staff to assist coastal communities with land use planning. One member of the staff, who is funded by the General Fund, also assists coastal communities.
- Comprehensive Planning Grants: Of the Office's 43 comprehensive planning grants awarded between 1999-2002, more than 50% were awarded to coastal communities. The Office also awarded 30 Comprehensive Plan Update Grants, of which 43% were to coastal communities. 44% of the 25 implementation grants and 45% of the 11 Smart Growth Challenge grants went to coastal communities.
- Technical Assistance: Staff continued to assist coastal municipalities and, in making its rounds across the State promoting smart growth, SPO spent at least half its time in coastal communities to address their unique resources.

Coordinate Programs and Policies that Support the Act's Marine Resources Goal

- Marine Resources: DMR participates in local planning efforts. Data and expertise that the department has can improve the quality of coastal communities' decision-making with respect to marine resource concerns.
- Working Waterfronts: LWRC completed a report in 2002 for the Legislature's Marine Resources and Natural Resources committees that offers a series of recommendations for improving and expanding coastal access to assure the viability of working waterfronts (see APPENDIX M for "*A Review of the Effectiveness of the Maine Coastal Plan in Meeting the State's Public Access and Working Waterfront Policy Goals.*").

2003 RECOMMENDATIONS

1. Enhance Commercial Access/Working Waterfronts: *Maine's working waterfronts are threatened by competing market forces. Property traditionally used by fishing, lobstering, and other marine industries is rapidly disappearing to high-end housing, office, and nonmarine uses. We recommend that SPO support efforts to achieve the State's public access and working waterfront goals (see APPENDIX L for LWRC's report, "Incentives to Keep Rural Land in Productive Fishing, Farming, and Forestry Use") as follows:*

- a. Work with the Maine Coastal Program to educate municipal officials on how to harness public/private waterfront investment; access grant programs; use tools like tax increment financing, transfer of development rights, cooperative ownership, and revolving loan funds; and on using community planning to achieve waterfront development goals.
- b. The tax burden on coastal property and on waterfront land is a critical issue that negatively impacts the ability to sustain waterfront businesses and results in displacement of fishers and other long-time coastal residents from waterfront lands. One solution may be to propose a current use tax for fishing industry-related properties.
- c. Work with willing municipalities to ensure that traditional shellfish and worming locations remain accessible and unpolluted.
- d. Support the \$1.5 million proposed in the November 2003 bond package for a new round of funding for MDOT's Small Harbor Improvement Program grants.

2. Address Marine Resources at the Local Level: *The bulk of the State's population lives within the coastal zone and, in both national and state projections, the greatest population growth is anticipated to occur within this same area. We recommend that SPO work with municipalities during the comprehensive planning process to ensure that marine resources are inventoried and discussed. As threats to the health of the resource are identified, strategies to mitigate the threats should be implemented.*

- a. Encourage the use of growth management programs to protect working waterfronts, plan for necessary improvement and maintenance of port and harbor infrastructure, protect marine resources, and promote public access to the shore.
- b. Work with the Maine Coastal Program to update technical assistance resources and continue to offer modest Right-of-way Discovery grants to defray legal research expenses in asserting public access rights.
- c. Work with DMR to provide improved marine resource information to towns.
- d. Add a marine habitat component to Beginning with Habitat.
- e. Continue to work with state and federal agencies to improve awareness of programs and policies that support the Act's marine resources goal; create programs that address marine resource needs identified in local comprehensive plans and provide grant preferences for communities with consistent comprehensive plans and certified growth management programs.

GOAL H: Agricultural and Forest Resources



To safeguard the State's agricultural and forest resources from development which threatens those resources.

1999 RECOMMENDATIONS

- The Office should continue to explore options to **support natural resource-based industries** and make recommendations to the Legislature, including:
 - **Reimbursing municipalities for land classified in Farm and Open Space** as it does for land in Tree Growth. MRS should continue working with other departments, assessors, and landowners to make the current Farm and Open Space Tax Law more accessible and user-friendly.
 - **Strengthening the Farmland Adjacency Law** and establishing a list of registered farms at DAFRR.
- The Office, working with MFS, DAFRR, and DECD, should continue to **develop and provide tools to municipalities to help manage and preserve productive rural landscapes**.

ACCOMPLISHMENTS 1999-2002

Support Natural Resource-based Industries

- Marketing Assistance: *Food for Thought*, a report by the Agricultural Viability Task Force completed in 2000, contained a number of recommendations, some of which have been implemented. The *Farms for the Future* and *Get Real Maine* campaigns have improved business planning and marketing assistance efforts.
- Farms for Maine's Future: One-time funding was provided to DAFRR to develop a marketing campaign and to establish the *Farms for Maine's Future* Program, modeled on a successful Massachusetts program, that links land protection with business assistance to keep farms in business. The pilot funds for this program will soon run out.
- R&D for greater value added: Agriculture and forestry are two of the priority research and development cluster areas eligible for funding from the Maine Technology Institute.
- Farmland Protection Strategy: SPO, DAFRR, and other agencies are developing a strategic plan to help integrate available farmland protection resources. This strategy will help the LMF Program evaluate proposals to preserve farmland.
- Access Management: In the development of its access management rules, MDOT worked with the forestry industry and LURC to ensure that forest management roads were not burdened by the new rules.

Reimburse Municipalities for Land in Farm and Open Space

- **Farm and Open Space:** The Legislature amended the Farm and Open Tax Law to lessen the penalty for early withdrawal. The penalty, which now meets the constitutional minimum, requires users to pay five years of back taxes and interest to the municipality. DAFRR, MRS, and a team of municipal assessors are working to develop a viable approach to assign current use values to different types of farmland.
- **Sales Tax Exemption:** The Legislature removed the sales tax on electricity purchased by farmers for development of a wholesale product. Equivalent sales tax had been exempted by the industrial sector for years. This has provided tax relief to farms.
- **Municipal Reimbursement:** A bill to provide reimbursement to municipalities for revenues lost due to lands classified in Farm and Open Space was passed by both houses with Governor King's support, but ultimately was not funded.

Strengthen Farmland Adjacency Law

- SPO worked with DAFRR, MMA, MFB, MREC, and MAR to develop a viable way for this concept to proceed. The Agriculture, Conservation and Forestry Committee supported the concept but agreement over how the program would be administered was not achieved. There are several challenging aspects, which can pit neighbors against one another over competing rights to make full use of property. Until there is a working GIS that maps affected land parcels, there is no acceptable administrative mechanism. The development of a statewide cadastral layer as recommended in the Maine Geo-Library plan would alleviate administrative problems. Rather than standing alone, adjacency protections might be best considered in the context of an Agricultural District concept.

Assist municipalities with Preserving Productive Rural Landscapes

- **Farmland Protection Tools:** During the development of the Farmland Protection Strategy in 2001, a subcommittee began to develop Farmland Protection Tools. Also, SPO is developing an Exemplary Plans Clearinghouse, which will include model agriculture and forestry provisions among other topics.
- **Regional Efforts:** The MRDC has provided an interagency forum to promote smart growth concepts, rural-urban interdependency, and regionalism. Two successful regional organizing efforts (Penobscot Valley Prudent Investments Linking our Towns and Planning for Prosperity in Hancock County) were begun at a conference organized by the MRDC in 2000. SPO continues to support these efforts.
- **Farmland Land Trust:** Through the collaboration of many active interest groups and supported by SPO, DAFRR, and MCHT, the Maine Farmland Trust, a land trust specializing in farmland protection, was created in 2000. The Trust works with the farming community and provides technical assistance on land conservation. Part-time staff funding has been made possible through private fundraising.
- **What do Trees Have to Do with it?:** This well-written educational publication designed for comprehensive plan committees was produced by the MDF, assisted by SPO.

2003 RECOMMENDATIONS

(Note: These recommendations overlap with those for Goal A, F, and G)

1. Farmland Preservation: *We recommend that SPO continue to work with DAFRR and stakeholder groups like MFB to develop strategies to protect working farms and prevent the sale and development of farmlands (See APPENDIX L for a full copy of the report, Incentives to Keep Rural Land in Productive Fishing, Farming, and Forestry Use) as follows:*

- a. Finalize the Farmland Preservation Strategy and work with DAFRR, LMF, and others to use it to strategically target state efforts to protect farmland. Continue to work with DAFRR to engage all stakeholders in a partnership agreement to implement the Farmland Protection Strategy. The strategy emphasizes effective collaboration among farmers, agency service providers, local and regional planning committees, land trusts, and government agencies to facilitate coordinated resource deployment toward recognized local and regional priorities.
- b. Continue working with DAFRR and stakeholders to integrate assistance and outreach to landowner, municipal, and land trust constituents.
- c. Complete development of a Farmland Protection ToolBox and improve outreach to local comprehensive planning committees.
- d. Continue to work with the Legislature to develop a way to reimburse communities for lost tax revenue from current use taxation.
- e. Continue to identify and fund farmland preservation projects through the LMF Program; conduct outreach to help solicit and assist in the development of farmland proposals.
- f. Work with DAFRR and stakeholders to design an appropriate Agriculture Development District concept for Maine to provide additional integrated state support for farms in critical areas.
- g. Continue to support farms as businesses; support Farms for Maine's Future Program and continue state support for marketing of Maine products.
- h. Continue to support farmers' markets and other methods of buying local food products.

2. Preserving Forestlands: *We recommend that SPO work with the MFS, SWOAM, and other stakeholders to continue to recognize the relationship between development sprawl and the demise of productive forestland and seek creative solutions together as follows:*

- a. Advocate for stable terms for the Tree Growth Tax Program by fixing the terms under which newly enrolled lands are to be managed at the time of enrollment, essentially creating a binding contract between the State and enrolled landowners; alternatively, landowners could be offered a choice to move to the new conditions, but in either event be protected from changes in public policy during their term of enrollment.
- b. Advocate for adjustments to the Forest Management Tax Credit to keep up with inflation to encourage the development of forest management plans.
- c. Work with MFS, SWOAM, and other stakeholders to consider whether the State should develop more disincentives for liquidation harvesting.

3. *Keep Rural Lands Productive:* *We recommend that SPO continue to work with various partners to provide incentives to keep rural lands productive as follows:*

- a. Adopt an overall policy statement and implementation strategy to support resource-based enterprises and their importance, not only to the State's economy, but to the viability of Maine's rural communities, working landscapes, and cultural heritage.
- b. Review state purchasing policies to identify opportunities for and the extent to which state and related public and quasi-public institutions support the market for Maine-made products.
- c. Explore options for cooperative health care and retirement plans for those who are self-employed or employed in small natural resource-based businesses and are unable to offer/receive these benefits.
- d. Continue to work with the educational system, DECD, DAFRR, and MFS to coordinate the delivery of the State's education, research and economic development resources to Maine's natural resource-based industries, especially small businesses.
- e. Continue to seek opportunities to combine land conservation, economic development, and transportation tools (such as MDOT's Access Acquisition Program) for a common desired outcome.

GOAL I: Historic and Archaeological Resources



To preserve the State's historic and archaeological resources.

1999 RECOMMENDATIONS

Since the programs of both the Office and MHPC share common and complementary goals, they coordinate their programs to the greatest extent possible in a way that respects both state and federal National Park Service policies. Areas where greater coordination is possible include:

- **Develop a model ordinance** to assist communities interested in achieving Certified Local Government (CLG) designation under National Park Service guidelines. The heart of the CLG program is in meeting federal standards for establishing the legal framework for preservation, as well as municipal capacity for effective ordinance review.
- **Coordinate award of MHPC grants supporting the development of local historic preservation ordinances** with the Office's awarding of implementation grants.

ACCOMPLISHMENTS 1999-2002

While the above recommendations have not been accomplished, SPO has worked with MHPC on a number of efforts:

- **Building Rehabilitation Code**: Tied to the effort to revitalize downtowns and protect historic structures, the MHPC was an active participant in the study of a Maine Building Rehabilitation Code which would encourage developers to reuse existing structures rather than raze them or go to undeveloped sites for new construction. To date, efforts to adopt such a code have failed, but related language has been introduced in the 121st Legislature.
- **Downtowns**: The MHPC consistently promotes downtowns as historically important cultural features on the landscape; is an active participant on the Advisory Board of the Maine Downtown Center; and works with private organizations, including Maine Preservation, to increase the awareness of the importance of downtowns.
- **Comprehensive Plan Data/Reviews**: SPO continues to work with the MHPC to provide data regarding historic and archaeological resources to local comprehensive planning committees. MHPC data detail historic buildings and sites in addition to known or potential archaeological sites. Communities use this information to identify these resources for protection. MHPC is one of the most consistent reviewers of local comprehensive plans, provides insightful reviews, and has proven a strong ally in the fight against sprawl.

2003 RECOMMENDATIONS

1. Address Historic and Archaeological Resources at the Local Level: *We recommend that SPO and the MHPC continue to work with municipalities to protect historic and archaeological resources through comprehensive plans and land use ordinances as follows:*

- a. Develop minimum guidelines or performance standards, consistent with the Act, for use by municipalities interested in creating a local historic preservation ordinance and provide whatever technical or financial assistance is appropriate. This coordination will allow a community to receive focused attention and assistance from the two agencies at the time the community is developing its ordinances.
- b. Work closely with communities interested in achieving Certified Local Government (CLG) designation under the National Park Service to develop and implement comprehensive preservation programs through local regulation. The heart of the CLG program is in meeting federal standards for establishing the legal framework for preservation, as well as municipal capacity for effective ordinance review.

2. Protection and Rehabilitation: *We recommend that SPO continue to work with legislators, municipal officials, MHPC, the Maine Downtown Center, and others to ensure that historic structures in densely developed areas remain viable locations for commerce, industry, and residences, rather than being prime candidates for razing as follows:*

- a. Pursue development of a statewide building rehabilitation code; encourage the redevelopment/reuse of abandoned historic buildings.
- b. Continue to pursue enactment of an historic preservation tax credit that would keep existing historical buildings in place and encourage renovation and rehabilitation.

3. Identify and Protect Nontraditional Historic Resources: *Historic districts, as well as individual historic and archaeological resources that are listed in the National Register of Historic Places, are important resources worthy of preservation and protection through local regulation. In addition, the preservation of Maine's traditional village form of development, typically comprised of commercial cores with surrounding neighborhoods and cultural facilities, is critical to addressing sprawl and significant aspects of Maine's history and culture. We recommend that SPO and MHPC work to obtain recognition and protection of the value of these places as follows:*

- a. Promote awareness on the historic roles of schools in neighborhoods.
- b. Emphasize the significance of traditional compact village districts and the importance of protecting them through a variety of land use regulation and other tools.

GOAL J: Recreation and Access



To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

1999 RECOMMENDATIONS

- The Office should continue to work with other agencies to expand resources, both financial and technical assistance, available to **assist communities that seek to improve their recreation and access opportunities.**
- The Office should continue to work with state agencies to ensure that programs and project **funding for municipal projects are targeted to recreation and access needs** identified as a high priority in communities with consistent growth management programs.

ACCOMPLISHMENTS 1999-2002

Assist Communities with Recreation and Access Opportunities/Target funding

- Land for Maine's Future (LMF): Many of the 70 LMF projects since 1999 include water access for boaters, working forest conservation easements to protect access to hunting and hiking opportunities, and carefully targeted open-space acquisitions in rapidly growing towns to protect recreational opportunities.
- Small Harbor Improvement Program: SHIP, funded through transportation bonds and administered by MDOT, is a municipal grant program that funds piers, floats, boat ramps, and shore stabilization projects. MDOT funded 21 projects (\$1.5 million) in 2002. SPO works with MDOT to market and score applications. Preferences for municipalities with consistent comprehensive plans and certified growth management programs are given.
- Right-of-way Discovery Grants: Coastal-funded ROW Discovery Grants help municipalities research forgotten or overlooked public rights-of-way that provide shoreline access. Approximately \$12,000 is available in FY 03.
- Land and Water Conservation Fund: LWCF is an important source of funds for preserving open space in rural areas as well as providing recreation in growth areas and has a history of use in Maine for that purpose. DOC's Bureau of Public Lands and SPO have worked to revise LWCF project selection criteria for recreation grants to municipalities in accordance with smart growth principles.
- State Comprehensive Outdoor Recreation Plan: An approved outdoor recreation plan is required by the U.S. Department of the Interior for states to be eligible for Land and Water Conservation funds for outdoor recreation planning, acquisition and development. BPL has identified smart growth as an issue of statewide importance in the 2003-08 plan now being prepared. Anticipated strategies to support smart growth include: developing LWCF and

other grant selection criteria for local recreation facilities that support compact neighborhoods, community centers, trail connections, and protection of rural open space.

2003 RECOMMENDATIONS

1. *Expand Resources:* *We recommend that SPO work with other agencies to expand resources to assist communities that seek to improve local, regional, and statewide recreational access opportunities as follows:*

- a. Work with DOC to direct funding to compact areas to support parks and recreation, open space, tree planting, and general livability of these areas.
- b. Continue to favor land acquisition proposals through the LMF Program in areas that provide recreational opportunities and access to recreational lands.
- c. Continue to work with funding agencies to integrate smart growth principles into small harbor improvement, boating and other recreational infrastructure, and right-of-way discovery grants.

2. *Improve Public Access:* *We recommend that SPO support municipal efforts to protect, enhance, and improve public access to outdoor recreation as follows:*

- a. Support recommendations of the LWRC in its report, “*Review of the Maine Coastal Plan in Meeting the State’s Public Access and Working Waterfront Policy Goals*” (see APPENDIX M).
- b. Find balance between the need for access and the desire to protect the quality and character of the resources; work with natural resource agencies and the LWRC to develop a coordinated approach that factors in local needs.

Regional Coordination



A regional coordination strategy must be developed with other municipalities to manage shared resources and facilities, such as rivers, aquifers, transportation facilities, and others.

1999 RECOMMENDATIONS

- State agencies need to provide significant **incentives for communities to work together to address regional issues**, both through grants and technical assistance.
- **State recognition and support for Regional Councils** must be maintained and improved in order to provide Maine's 495 municipalities with a reliable source of assistance in developing coordinated local strategies that address regional issues.
- The Office should continue to work with state agencies and regional organizations that oversee major infrastructure investments to ensure that they **consider the regional impact of these investment decisions**.
- The Office should continue to work with municipalities, regional organizations, and state agencies to **encourage greater use of shared facilities and services**, where appropriate.

ACCOMPLISHMENTS 1999-2002

Provide Incentives for Communities to Work Together to Address Regional Issues

In general, state agencies have not had adequate resources to provide significant incentives for regionalization; but agencies have used federal dollars to provide such incentives as follows:

- Consolidation of Local Services: A number of conversations around consolidation are taking place. The Maine Municipal Association has an incentive for regionalization in its citizen-initiated tax reform proposal. Legislators have introduced bills around the issue for consideration by the 121st Legislature. Local officials in several areas looking at ways to more effectively combine services. The financial and land use impacts of these effort could be significant.
- Community Development Block Grant: DECD offered an effective \$1 million CDBG program for *SuperParks* which helped stimulate the successful *FirstPark* involving over 20 municipalities in the Kennebec Valley Region.
- Bangor Area Comprehensive Transportation Study: MDOT secured a \$150,000 grant from the FHA in 2001 which was awarded to the BACTS region to develop an integrated regional capital improvement plan.
- Hancock County: In 2002, SPO and the MRDC assisted the Hancock County Planning Commission in securing a \$20,000 grant from NOAA to develop a regional framework for

managing growth and conservation in the region. This effort is just getting under way. MDOT is actively engaged and SPO will be working to identify and secure other state agency support for this project.

- Department of Environmental Protection: DEP awards watershed-based, nonpoint source pollution grant funds, available annually from the EPA, with a preference for regional efforts.
- Department of Transportation: MDOT, supported by SPO, is working with the RTAC in the Mid-coast region to organize a regional transportation and land use study of the Route 1 corridor. Incentives are still being developed.
- Maine Coastal Program: Providing technical assistance and federal coastal dollars, SPO has supported several regional efforts including: Planning Alliance of the Damariscotta Estuary, Sunrise County Economic Council, Penobscot Bay Stewards, Southern Maine Beach Protection, Southern Maine Habitat Protection, Union River Watershed Coalition, and Penobscot Bay Stewards.
- Municipal Investment Trust Fund: Criteria for the award of MITF funds place multi-town projects on an even footing with service center projects as the highest priority for the fund.

Recognize and Support Regional Councils

State support of regional councils has been maintained in only a marginal manner (see PROGRAM UPDATE).

- Land Use Planning: SPO supports all 11 councils with an annual sum of \$194,000 in state funds, supplemented with \$131,000 in federal coastal funds, to perform a part-time program of land use technical assistance and regional planning. The \$194,000 has been flat funded for 30 years and today funds one-third of a planner's time in each region.
- Transportation: MDOT provides 9 of the 11 councils with funding to support the RTACs, spending about \$245,000 per year. This is insufficient to do the work that needs to be done.
- Community Development: DECD provides funding to 10 of the 11 councils to assist municipalities with preparing CDBG applications.
- Training and Assistance: SPO funded the regional council technical assistance coordinators to attend its two-week Smart Growth Institute in 2001. This was made possible by the one-time Legislative appropriation for the Smart Growth Initiative. SPO also continues to create manuals and publications to support the councils.

Consider the Regional Impact of State Investment Decisions

- Preferences: Since the Act was amended in 2000 to direct state growth-related capital investments to occur in downtowns, service centers and growth areas, SPO has worked with the DOE, BGS, and the Judicial Branch to implement this policy. (See GOAL A – DEVELOPMENT SPRAWL AND PUBLIC FACILITIES)

Encourage Greater Use of Shared Facilities and Services

- Planning Grants: The Act was amended in 2002 to clarify that SPO may award planning and technical assistance grants and review growth management programs jointly undertaken by two or more municipalities.

2003 RECOMMENDATIONS

1. Foster Regional Planning Capacity and Authority: *State recognition and support for regional councils must be maintained and improved in order to provide Maine's 495 municipalities with a reliable regional source of assistance in developing coordinated local strategies that address regional issues. We recommend that SPO strengthen the role of regional councils and other regional entities to effectively address regional land use issues as follows:*

- a. Create a regional planning and land management framework that posits some level of responsibility and authority for land use and capital investment decisions in a body whose jurisdiction effectively covers an extended community or labor market area in which habitat, housing, economic activity, transportation, and human services are considered and managed in an integrated fashion for the overall common good. Determine which decisions are appropriate at the municipal, regional, and state levels.
- b. Strengthen the role of regional entities in decision-making around state investments; provide funding and technical assistance for developing regional investment plans; establish regional investment authorities to prioritize/recommend investment awards in their regions; require regional guidance in state investments; consider block grant and metropolitan planning organization models to establish regional priorities.

2. Promote Multi-town Planning and Delivery of Services: *State agencies need to provide incentives for communities to work together to address regional issues, both through grants, technical assistance, and access to capital. We recommend that SPO continue to work with municipalities, regional organizations, and state agencies to encourage greater use of shared facilities and services, where appropriate, that will reduce municipal and state costs of providing services and take advantage of economies of scale as follows:*

- a. Continue to support emerging grass roots initiatives and, if and when statutory limitations are identified, work to remove those barriers.
- b. Promote alternative and new models for regional cooperation and governance; particularly sensitive to fiscal efficiency and citizen accountability.
- c. Research and publish analysis of the most effective geographies for various governmental functions to guide regional work.
- d. Develop fiscal mechanisms to promote regional efforts.
- e. Encourage multi-municipal land use management.

3. State Investments: *Beyond schools and state office buildings, more can be done to plan for or review the regional impacts of state investments, such as the State's effort to consolidate the prison system. Acting as a judicious private landowner would, the State decided to move the Maine State Prison from Thomaston to Warren, where it owned land and another facility. Yet, siting the new facility in Warren has introduced new pressures for growth in a relatively undeveloped area of the region. A framework needs to be established so that the State, when making investment decisions, looks at the regional implications for growth and development. We recommend that SPO continue to work with state agencies and regional organizations that oversee major infrastructure investments to ensure that they consider the regional impact of*

these investment decisions and that the State's investments continue to meet the overall policy objectives of the Act.

4. Understand the Interrelationship of Urban/Suburban/Rural Economies: *Growth-related problems faced by urban, suburban, and rural towns alike, including a lack of growth, are all symptoms of the same problem. The health of service centers is important to the health of suburban and rural areas and vice versa. We recommend that SPO work to enhance an appreciation and understanding of communities' common interests and relationships and provide incentives (eliminate disincentives) to working collectively.*

5. Explore New Forms of Intergovernmental Relations: *In 1997, SPO coordinated an intergovernmental restructuring initiative which identified options for relieving property taxes through more efficient delivery of local services; reducing duplication and fragmentation of services between levels and among units of government; matching the responsibility for providing governmental services with the responsibility for funding those services; and improving communications and consultations between levels of government. We recommend that SPO review and update the recommendations of the Task Force on Intergovernmental Structure.*

Evaluation and Tracking Development



The office shall conduct an ongoing evaluation process to determine the effectiveness of state and local efforts to achieve the purposes and goals of the Act. The office shall seek the assistance of other state agencies. If requested, all state agencies shall render assistance to the office in this effort. In conducting the evaluation, the office shall develop criteria that are objective, verifiable, and quantifiable.

1999 RECOMMENDATIONS

- Convene an interagency and interdisciplinary resource team to develop an efficient, **integrated system to track development** to help evaluate the Program's success in meeting this and other goals of the Act.

ACCOMPLISHMENTS 1999-2002

Develop an Integrated System to Track Development

- **Smart Growth Coordinating Committee:** The LWRC created this interagency committee to monitor the accomplishments of smart growth efforts in Maine. It published the *Indicators of Livable Communities* report card (see APPENDIX E).
- **Pilot Tracking System:** SPO is working with MEGIS to pilot a promising development tracking system based on E911 address-assignment reporting. A steering committee to guide this project convened in January 2003.
- **Funding Sources:** Since 1999, SPO has made regular commitments to further work on the State Geo-Library (which supports our development tracking system). \$10,000 in Maine Coastal Program funding was dedicated to this effort in FY01 and another \$15,000 in FY03. \$50,000 of the Smart Growth Initiative funds was committed in FY02, matched with equal commitments by the DAFS and MDOT. An additional \$10,000 was committed by SPO, earmarked for another component of the system.
- **Municipal Database:** SPO created a municipal database that tracks the consistency status of Maine communities, grants awarded, comprehensive plan and ordinance review processes, and technical assistance calls logged as well as regional geographies and local contacts, among a host of other pieces of information that aids program administration.

2003 RECOMMENDATIONS

1. Mapping Growth Areas: *In order to measure the effectiveness of investment in growth management, the State must implement and fund a cost-effective, coordinated development tracking system. We recommend that SPO continue efforts to establish such a system to track the type and location of growth, supported by the Maine Library of Geographic Information as follows:*

- a. Complete creation of and maintain GIS data layer of locally-designated growth areas.
- b. Identify and direct funds to incrementally create and maintain the new regionally-based Geo-Library; support recommendations of the *Strategic Plan to Develop the Maine Library of Geographic Information*, including funding the proposed plan of action to include provision of regional GeoCenter technical assistance to municipalities (see APPENDIX O for a copy of the *Strategic Plan to Develop the Maine Library of Geographic Information*).
- c. Continue funding of central staffing for the Maine Library of Geographic Information through the State Government Enterprise Fund.
- d. Continue to support efforts of MEGIS to identify opportunities for interagency collaboration and funding of data development.

2. *Track State Investments in Growth and Rural Areas:* *We recommend that SPO initiate discussion with the appropriate state bureaus in DAFS to develop a system to track the location of capital investments with respect to locally-designated growth area.*

3. *Livable Communities Indicators:* *We recommend that SPO continue to coordinate participating state agencies' data collection and release of two-year updates of the Indicators of Livable Communities Smart Growth report card (see APPENDIX E).*

4. *Local Benchmarks:* *We recommend that SPO continue to work with communities to build bolder plans that contain benchmarks to gauge interim success and to monitor progress towards desired outcomes.*